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Attorneys for Plaintiff and Counter-Defendant
CAPITAL ONE, N.A.

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION

CAPITAL ONE, N.A. as Trustee of the BETA INDIVIDUAL EMPLOYER WELFARE BENEFIT PLAN AND TRUST, and POINTE BENEFIT CONSULTANTS, LLC as Administrator/Recordkeeper of the BETA INDIVIDUAL EMPLOYER WELFARE BENEFIT PLAN AND TRUST,

Plaintiffs,

v.

LAWRENCE SAKS, M.D., JEANNE SAKS, and MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY,

Defendants.

Case No. CV13-06411 SJO (PSWx)

[Hon. S. James Otero]

STIPULATION TO EXTEND TIME TO RESPOND TO COUNTERCLAIM

MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY, Counter-Claimant, v. CAPITAL ONE, N.A., as Trustee of the BETA INDIVIDUAL EMPLOYER WELFARE BENEFIT PLAN AND TRUST, Counter-Defendant.
MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY, Cross-Claimant, v. LAWRENCE SAKS, M.D. and JEANNE SAKS, Cross-Defendants.

Defendant, Counter-Claimant, and Cross-Claimant Massachusetts Mutual Life Insurance Company ("MassMutual"), and Plaintiff and Counter-Defendant Capital One, N.A., as Trustee of the BETA Individual Employer Welfare Benefit Plan and Trust ("Capital One"), by and through their undersigned counsel, stipulate as follows:

WHEREAS, Capital One filed its interpleader Complaint against MassMutual (and other defendants) on August 30, 2013;

WHEREAS, on October 31, 2013, MassMutual filed and served its Answer to the Complaint and a Counterclaim against Capital One;

WHEREAS, Capital One's deadline to respond to the Counterclaim is November 25, 2013;

WHEREAS, due to the press of business and the Thanksgiving holiday, Capital One has requested and MassMutual has agreed to a 14-day extension of time, to and including December 9, 2013, for Capital One to file and serve its response to the Counterclaim; and

WHEREAS, in the event the Court has not reviewed and ruled on this stipulation on or before Capital One's current responsive pleading deadline (which is November 25, 2013), MassMutual agrees not to seek entry of default or move for a default judgment so long as a response is filed and served on or before December 9, 2013;

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THEREFORE, IT IS HEREBY AGREED AND STIPULATED, subject to the Court's approval, that:

1. The time within which a responsive pleading to MassMutual's Counterclaim must be filed and served by Capital One is extended by 14 days to December 9, 2013.

Respectfully submitted,

Dated: November 22, 2013

MORRISON & FOERSTER LLP

By: /s/ Sylvia Rivera
Sylvia Rivera
Attorneys for Plaintiff
and Counter-Defendant
CAPITAL ONE, N.A.

Dated: November 22, 2013

MESERVE, MUMPER & HUGHES LLP

By: /s/ Jason A. James
Jason A. James
Attorneys for Defendant, Counter-Claimant, and Cross-Claimant
MASSACHUSETTS MUTUAL LIFE INSURANCE COMPANY

ECF ATTESTATION

I, Sylvia Rivera, am the ECF User whose ID and password are being used to file this STIPULATION TO EXTEND TIME TO RESPOND TO COUNTERCLAIM. Concurrence in and authorization of the filing of this document has been obtained from Jason A. James, counsel for Defendant and Counter-Claimant, and I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party.

MORRISON & FOERSTER LLP

Dated: November 22, 2013

By: /s/ Sylvia Rivera
Sylvia Rivera

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on November 22, 2013, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Civil Local Rule 5.2. Any other counsel of record will be served by electronic mail, facsimile and/or overnight delivery.

By: /s/ Sylvia Rivera
Sylvia Rivera